26

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.7210 of 2007

PETITIONERS

1. Gokul Ram Thakur, s/o Shri Premlal Thakur, aged about 39 years, U.D.T., Govt. Middle School, Budhwara, Block Saja, Distt. Durg (C.G).
2. Balu Ram Kothari, s/o Shri Jagdish Ram Kothari, aged about 39 years, U.D.T., Govt. Higher Secondary School, Devkar, Block Saja Distt. Durg (C.G)
3. Chitrarekha Ram Thakur, s/o Shri Ram Dayal Thakur, aged about 38 years, U.D.T. Govt. Middle School, Bajabhat, Block Bemetara, Distt. Durg (C.G)
4. Ramsanehi Thakur, s/o Shri Sarju Ram Thakur, aged about 40 years, U.D.T., Govt. Middle School, Sahaspur, Block Saja, Distt. Durg (C.G).
5. Bhagirathi Dondey, s/o Shri T.R. Dondey, aged about 40 years, Asstt. Teacher, Govt. Primary school, Sarangpur, Block Bemetara, Distt. Durg (C.G).

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh, through Secretary, School Education Department Ministry, D.K.S. Bhawan, Raipur (C.G).
2. District Education Officer, Distt. Durg (C.G).
3. District Education Officer, Bemetara, Distt. Durg (C.G).

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.
Shri Sumit Verma, Panel Lawyer, for the State/ respondents on advance copy.

ORAL ORDER
(06.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.T.I. examination on their own expenses,

therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}.*** He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.T.I. Examination Certificates on their own expenses as per circulars dated 24.12.1998 & 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/